United Nations CRC/C/OPAC/VUT/CO/1

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Vanuatu under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

I. Introduction

1. The Committee considered the report of Vanuatu (CRC/C/OPAC/VUT/1) at its 2234th and 2240th meetings (see CRC/C/SR.2234 and 2240), held on 21 and 22 September 2017, and adopted the present concluding observations at its 2251st meeting, held on 29 September 2017.

2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/VUT/Q/1/Add.1). The Committee also welcomes the constructive dialogue with the multisectoral delegation of the State party, which was successfully held through videoconferencing, a method that was suitable owing to the limited resources of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the second to fourth periodic reports submitted by the State party under the Convention (CRC/C/VUT/CO/2-4), adopted on 29 September 2017, and on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/VUT/CO/1), also adopted on 29 September 2017.

II. General observations

Positive aspects

4. The Committee welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) The Rome Statute of the International Criminal Court, in December 2011;

(b) The International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182), in August 2006;

(c) The Geneva Conventions relating to the protection of victims of international armed conflicts, in October 1982, and Protocols Additional I and II thereto, in February 1985.

* Adopted by the Committee at its seventy-sixth session (11-29 September 2017).

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III. General measures of implementation

A. Comprehensive policy and strategy

5. The Committee is concerned about the absence of a policy for the implementation of the Optional Protocol in the State party.

6. **The Committee recommends that the State party develop a policy for the implementation of the Optional Protocol.**

B. Allocation of resources

7. The Committee is concerned about the lack of specific budget allocations for the implementation of the Optional Protocol in the State party.

8. **The Committee recommends that the State party ensure that sufficient and targeted resources are allocated for the effective implementation of all areas of the Optional Protocol.**

C. Dissemination and awareness-raising

9. The Committee is concerned that the State party has not taken any steps to disseminate the Optional Protocol among the public at large and children in particular.

10. **The Committee urges the State party to widely disseminate the principles and provisions of the Optional Protocol and to establish training programmes on the Optional Protocol for all relevant professionals working for or with children, particularly police officers.**

IV. Prohibition and related matters

A. Criminal legislation and regulations in force

11. The Committee is concerned about the absence in domestic legislation of explicit criminalization of the recruitment or use in hostilities of children under 18 years of age by non-State armed groups.

12. **The Committee recommends that the State party explicitly criminalize in its domestic legislation the recruitment or use in hostilities of children under 18 years of age by non-State armed groups.**

B. Extraterritorial jurisdiction

13. **The Committee, while noting that the State party's legislation provides for extraterritorial jurisdiction over certain crimes, recommends that the State party include the offences under the Optional Protocol in its extraterritorial jurisdiction legislation.**

C. Extradition

14. The Committee is concerned that dual criminality is a requirement for extradition.

15. **The Committee recommends that the State party take steps to ensure that the dual criminality requirement is not applied in cases of extradition for crimes covered by the Optional Protocol and that it include such crimes in any extradition treaties it concludes.**

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

16. The Committee is concerned at the lack of effective mechanisms to identify, at an early stage, refugee, asylum-seeking and migrant children who enter the State party and may have been recruited or used in hostilities abroad.

17. **The Committee recommends that the State party:**

(a) **Put in place mechanisms to identify, at an early stage, refugee, asylum-seeking and migrant children, including unaccompanied children, coming from countries with past or current armed conflicts and who may have been involved in hostilities;**

(b) **Ensure that the personnel responsible for such identification are trained in children's rights, child protection and interviewing skills;**

(c) **Develop protocols and specialized services to ensure that such children are provided with appropriate assistance for their physical and psychological recovery and social reintegration.**

VII. International assistance and cooperation

International cooperation

18. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF) and other United Nations entities in the implementation of the Optional Protocol.**

VIII. Ratification of the Optional Protocol on a communications procedure

19. **The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on a communications procedure.**

IX. Implementation and reporting

A. Follow-up and dissemination

20. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the relevant ministries, courts and to local authorities, for appropriate consideration and further action.**

21. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

B. Next periodic report

22. **In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the**

Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.

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Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by Vanuatu under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 16 June 2017. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

1. Please provide information on any steps taken to incorporate the provisions of the Optional Protocol into domestic law. Please also inform the Committee of whether the Optional Protocol has been invoked before the courts during the past four years.

2. Please provide information on any measures taken by the State party to disseminate the Optional Protocol and implement awareness-raising programmes. Please also provide information on training activities related to the Optional Protocol for children and professionals working for and with children.

3. Please provide information on the measures taken to address the lack of a system for collecting disaggregated data in the State party.

4. In view of the fact that not all children are in possession of a birth certificate, please explain what safeguards and practical measures for age verification are in place to prevent children from joining the police force before the age of 18 years.

5. Please comment on whether the State party intends to criminalize the recruitment of children under 18 years of age by non-State armed groups, in accordance with article 4 of the Optional Protocol.

6. Please provide information on whether the State party has established and exercises extraterritorial jurisdiction, without applying the criterion of double criminality, over all crimes under the Optional Protocol. Please also comment on whether the State party has included offences under the Optional Protocol in existing extradition treaties with other States and whether it intends to do so in extradition treaties it will conclude in the future.

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Consideration of reports of States parties

List of issues in relation to the report submitted by Vanuatu under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Addendum

Replies of Vanuatu to the list of issues*

[Date received: 9 August 2017]

* The present document is being issued without formal editing.

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1. Please provide information on any steps taken to incorporate the provisions of the Optional Protocol into the domestic law. Please also inform the Committee if the Optional Protocol has been invoked before the courts in the last four years

1. There is no law current domestic law that specifically incorporate the provisions of the Optional Protocol. The Protocol came into force under the laws of Vanuatu in 2007 after Parliament ratified it in 2006 under the *Optional Protocol to the Convention on the Right of the Child on the involvement of children in arm conflict (Ratification) Act No.26 of 2006*. Following Article 26 of the Constitution. The Protocol have a binding effect as part of the laws of Vanuatu, application by the Courts when there is no express domestic law in regards to the purpose of the Optional Protocol.

2. There is no invocation of the protocol by the Courts for the last 3 years.

2. Please provide information on any measures taken by the State party to disseminate the Optional Protocol and implement awareness-raising programmes. Please also provide information on training activities related to the Optional Protocol for children and professionals working for and with children

3. There is no measure taken by the Government agencies in specifically to disseminating the Optional Protocols and implementation awareness raising programmes. Government determination to proceed with awareness if there is no much affiliation of the Courts and Vanuatu Police Department in regards to the Article of Protocols.

3. Please provide information on the measures taken to address the lack of disaggregated data collection system in the State Party

National Child Protection Policy 2016-2026

4. This Policy recognizes that establishing a centralized data base for receiving, analysing and generating data on child protection is critical to identifying prevalence, trends, priorities and informing programming and advocacy strategies.

5. Policy Objectives-Effective coordination and collaboration among Provincial Child Protection Working Group stakeholders; Provincial level co-ordination structure for formal/informal service providers establishes its working modalities; Strengthen systems for reintegration of child survivors; Strengthen systems for the reintegration of child offenders who are diverted back to the community; Formalize the engagement of VCC with MJCS to strengthen overall co-ordination of child protection activities; Strengthen engagement of council of chiefs and chiefs at community level in protection of children along the continuum of care; To establish a system to collect child protection data (child abuse prevalence and trends) from service providers; Establish a dedicated free hotline for children; Development of a centralized data base to collect and analyse child abuse prevalence, trends, good practice.

6. The monitoring and evaluation framework of the policy provide the assessment of progressiveness of this objectives through the part take of Government stakeholder as leading agencies in the implementation.

4. In view of the fact that not all children are in possession of a birth certificate, please explain what safeguards and practical measures for age verification are in place to prevent children from joining the police force before the age of 18

7. Vanuatu Police Training College provides basic policing to police recruits with seven modules. The academic training is followed by physical training. The minimum age of entry in the Police Force is 18 years and above but not more than 30 years of age.

8. The measure taken by the Government in ensuring that recruitment are under the stipulated age of 18-30years old is the independent provision of birth certificate by the Department of Civil Registry to the Vanuatu Police College. The Civil Registry provide the Birth Certificate to the Police College in the last recruitment 3 years ago.

5. Please advise whether the State party intends to criminalise the recruitment of children under 18 years old by non-State armed groups in accordance with article 4 of the Optional Protocol

9. There is no criminalising of recruitment of children under 18 years by non- state armed group. Procedures now adopted by the Civil Registry and Vanuatu Police College in term of recruitment will be applicable to all possible non-State armed groups in the near future.

6. Please provide information on whether the State Party establishes and exercises extraterritorial jurisdiction without the criterion of double criminality over all crimes under the Optional Protocol. Please also advise whether the State Party includes offences under the Optional Protocol in existing or future extradition treaties with other States

10. Given that Vanuatu has the proper legislative framework that can facilitate the exercised of extraterritorial jurisdiction, there has not been an exercise in record in regards to criminality provision of the Optional Protocol in the 4 years.